

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 14-CR-0387 (PJS/FLN)

Plaintiff,

v.

ORDER

MARVIN ORLANDO JOHNSON,

Defendant.

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Thomas Calhoun-Lopez, UNITED STATES ATTORNEY'S OFFICE, for  
plaintiff.

Douglas Olson, OFFICE OF THE FEDERAL DEFENDER, for defendant.

This matter is before the Court on defendant's objection to the March 13, 2015, Report and Recommendation ("R&R") of Magistrate Judge Franklin L. Noel.<sup>1</sup> Judge Noel recommends denying defendant's motions to suppress eyewitness identifications, to suppress evidence, and to suppress custodial statements. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). Based on that review, the Court adopts the R&R. The Court notes only that, although the R&R concluded that the supporting affidavits established probable cause that "evidence related to the Walgreens robbery would be found," ECF No. 38 at 8, in fact the supporting affidavits established probable cause to believe that evidence related to

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<sup>1</sup>The R&R was dated March 13, 2015, but entered on March 18, 2015. ECF No. 38.

multiple prior robberies would be found. Moreover, the Court agrees with the R&R that even if the supporting affidavits did not establish probable cause, the *Leon* good-faith exception would clearly apply. *See United States v. Leon*, 468 U.S. 897, 922 (1984).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES defendant's objection [ECF No. 40] and ADOPTS the March 13, 2015 R&R [ECF No. 38]. IT IS HEREBY ORDERED THAT:

1. Defendant's motion to suppress eyewitness identifications [ECF No. 24] is DENIED.
2. Defendant's motion to suppress evidence [ECF No. 25] is DENIED.
3. Defendant's motion to suppress custodial statements [ECF No. 26] is DENIED.

Dated: April 16, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge